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Section II. (REMARKS)**Restriction/Election**

In the March 3, 2006 Office Action, the Examiner imposed a restriction requirement against claims 1, 2, 4-23 and 53-57, and required that an election be made between:

- Group A: claims 1, 2, 4-7, 10 and 53-57, "drawn to a cleaning, removing and/or tripping [sic] composition containing a quaternary base and at least one of an alkali metal and/or alkaline earth base as the main chemical ingredients and possibly one or more additives, classified in photographic class 430, subclass 256 and 331 and composition class 510, subclasses 175, 259, 391 and 504;"
- Group B: claims 8-9, 11-23 "are improper as amended since it still depended on claim 1 (claim 8 should be independent. Other should be depended on independent claim 8), drawn to a cleaning, removing and/or tripping [sic] composition containing a strong base and an oxidant as the main chemical ingredients and possibly one or more additives, classified in photographic class 430, subclass 256 and 331 and composition class 510, subclasses 175, 367, and 372;" and
- Group C: claims 58-59, drawn to a cleaning, removing and/or stripping method, classified in class 134, subclass 2.

Applicants hereby elect, with traverse, Group A claims 1, 2, 4-7, 10 and 53-57 (and claims 14-21) drawn to a cleaning, removing and/or stripping composition containing a quaternary base and at least one of an alkali metal and/or alkaline earth base.

Firstly, it is unclear why the Examiner indicated that claim 8 needed to be rewritten as an independent claim when it was already presented as an independent claim in the Preliminary Amendment dated January 24, 2006.

Secondly, it is unclear why the Examiner restricted the composition containing a quaternary base

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and at least one of an alkali metal and/or alkaline earth base (Group A) from the composition containing a strong base and an oxidant (Group B). Applicants had previously elected the examination of the composition containing a quaternary base and at least one of an alkali metal and/or alkaline earth base (Group A) in the response to the April 18, 2005 Restriction Requirement filed on April 27, 2005. Accordingly, the present restriction requirement is redundant.

Thirdly, it is noted that claims 14-21 all directly or indirectly depend from claim 1, however, they were not included in Group A. The examination of said claims should not prove an additional burden as it is noted that claim 4 includes the recitation of a chelator (see claim 14 and claims 15 and 16 depending therefrom), a surfactant (see claim 17 and claim 18 depending therefrom), and a solvent (see claim 19 and claims 20 and 21 depending therefrom).

The Examiner is respectfully reminded that applicants previously chose the Formulation G species for examination purposes (see the response to the April 18, 2005 Restriction Requirement filed on April 27, 2005).

It is noted that the Examiner included the following statement in the Restriction Requirement dated March 3, 2006:

“There is no evidence on the record that they are not patentably distinct. Therefore, no separate consideration or search is required. They are stood [sic] or fall together.” (see March 3, 2006 Office Action, page 5, lines 6-8)

These statements by the Examiner are contrary to the remainder of the March 3, 2006 Office Action. Ostensibly, these sentences state that it would be no burden to consider or search the different groups simultaneously – they stand or fall together. Applicants recommend the Examiner reconsider the verbiage of said sentences to minimize confusion in the future.

The traversal of the aforementioned restriction requirement is based on the fact that the strong base in Group B as defined in the specification includes potassium hydroxide (i.e., the alkali base of Group A) and alkylammonium hydroxides (i.e., the quaternary ammonium base of Group A) (see instant application, page 12, paragraph [0028]). In other words, Group B is inclusive of the components of Group A, further in combination with an oxidant.

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It therefore is requested that the restriction requirement be reconsidered and that Group A and Group B, corresponding to claims 1, 2, 4-23 and 53-57, be retained in consolidated form for further examination and prosecution on the merits.¹

If the restriction requirement is nonetheless made final, applicants request rejoinder of method claims 24-31, 33-36, 39, 46-50, 58, 59, and 58-59 under the provisions of MPEP §821.04 upon confirmation of allowable subject matter of the Group A claims 1, 2, 4-7, 10, 14-21 and 53-57, as indicated by the Examiner in paragraph VI:

“a method claim is permitted to be rejoined with an allowable material (composition) claim. If the method claim contains all of the limitations of the material claim when the material is firstly elected, considered, searched, examined and found to be allowable.”

Conclusion

If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 286-8090 to discuss same. Authorization is hereby given to charge any deficiency in applicable fees for this response to Deposit Account Number 13-4365 of Moore & Van Allen PLLC.

Respectfully submitted,

MOORE & VAN ALLEN PLLC

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By: 

Tristan Anne Fuierer
Registration No. 52,926
Moore & Van Allen PLLC
430 Davis Drive, Suite 500
Morrisville, NC 27560-6832
Telephone: (919) 286-8000
Facsimile: (919) 286-8199

¹ The Examiner is respectfully reminded that he stated in the June 2, 2005 Office Action that “it is possible” to extend the search to the Group B species following allowance of the Group A species.